

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>DATATREASURY CORPORATION,</b> <b>Plaintiff,</b>  <b>v.</b>  <b>MAGTEK, INC.,</b> <b>Defendant.</b>	§ § § § § § §	       <b>Cause No. 06MC75</b> <b>E.D. Tex. Cause No. 2:03CV00459</b>
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**PLAINTIFF DATATREASURY CORPORATION'S RESPONSE IN  
OPPOSITION TO NON-PARTY CREATIVE PAYMENT SOLUTIONS INC.'S  
MOTION TO QUASH PLAINTIFF'S SUBPOENA**

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DataTreasury Corporation respectfully requests that this Court deny Creative Payment Solutions, Inc.'s Motion to Quash Plaintiff's Subpoena that was filed on August 23, 2006. DataTreasury submits that because (1) CPS has failed to properly confer with DataTreasury regarding its discovery motion as required by this Court's Local Rule 26.1; (2) the subpoena issued and served by DataTreasury on CPS does not impose an undue burden on CPS in violation of Federal Rule of Civil Procedure 45; and (3) MagTek, Inc.'s pending motion for protective order in the Eastern District of Texas is irrelevant to the determination of the instant matter.

In support of this response to Creative Payment Solution, Inc.'s motion, DataTreasury submits its supporting memorandum contemporaneously herewith.

Respectfully submitted,

/s/ R. Benjamin King  
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**ATTORNEYS FOR PLAINTIFF  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on the 25<sup>th</sup> day of August, 2006 via electronic transmission.

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/s/ R. Benjamin King  
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